

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Courtney NMN Richmond,

Plaintiff,

v.

**Order**

Civil File No. 03-3195 (MJD/JSM)

City of Brooklyn Center, Brian  
Robert Bruce, Garrett Flesland,  
and Mike Reynolds,

Defendants.

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Scott W. Swanson, Sjoberg & Tebelius, P.A.; Paul Applebaum, Applebaum Law  
Firm, Counsel for Plaintiff

Jon K. Iverson, Jason J. Kuboushek, Iverson Reuvers, LLC, Counsel for Defendants.

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This case is before the Court on Plaintiff's motion for statutory attorneys' fees pursuant to 42 U.S.C. §§ 1983 and 1988. [Docket No. 122.] The parties also have cross appeals pending before the United States Court of Appeals for the Eighth Circuit.

Requests for attorneys' fees "raise legal issues collateral to the main cause of action." White v. N. H. Dep't of Employment Sec., 102 S. Ct. 1162 (1982). Thus,

the district court has discretion to determine attorney fees while an appeal on the merits is pending and the award of attorneys fees is a separate order from which appeal must be made separately. 15B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure, § 3915.6 (2d ed. 2005).

In some circumstances, for the sake of judicial economy the Court may decide to refrain from making an award of attorneys' fees until after the resolution of appeals. The 1991 Advisory Committee Notes to Local Rule 54.3 state, "[I]n rare instances, delaying the fee consideration until after an appeal is determined may promote justice and efficiency."

In light of the parties' cross appeals currently before the United States Court of Appeals for the Eighth Circuit and in promotion of judicial economy, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Attorneys' Fees [Docket No. 122] is **STAYED** pending determination of the appeals.

Dated: June 15, 2006

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court